

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 25, 2003

IN RE:

BELLSOUTH TELECOMMUNICATIONS, INC.
TARIFF TO INTRODUCE SWA PRICING
FLEXIBILITY – Tariff Number 2002256

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DOCKET NO.
02-01073

ORDER GRANTING SUBSTITUTE JOINT MOTION FOR CONTINUANCE

This matter is before the Pre-Hearing Officer on the *Substitute Joint Motion of BellSouth and AT&T for Continuance ("Joint Motion")* filed by AT&T Communications of the South Central States, Inc. ("AT&T") and BellSouth Telecommunications, Inc. ("BellSouth").

On February 19, 2003, the *Order Suspending Procedural Schedule for Thirty (30) Days* was issued. The *Order* suspended the existing Procedural Schedule for thirty (30) days and memorialized BellSouth's agreement not to place the Tariff to Introduce SWA Pricing Flexibility that is at issue in this docket into effect pursuant to Tenn. Code Ann. § 65-5-203(b) until June 12, 2003.

On March 19, 2003, BellSouth and AT&T filed the *Joint Motion* presently at issue. BellSouth and AT&T assert that they are close to reaching a settlement in principal of all issues raised in the *CLEC Coalition Petition to Suspend Tariff and to Convene a Contested Case Proceeding*.¹ The *Joint Motion* requests that the Authority continue all scheduled events in this docket for a period of not less than sixty (60) days. The *Joint Motion* states:

¹ The *Petition* was jointly filed by AT&T and Birch Telecom, Inc.

"To the extent that such a delay requires further suspension of the tariff, the parties have not [sic] objection to such a suspension." BellSouth agrees that its request for a sixty (60) day continuance of the Procedural Schedule applies to its previous agreement not to place the Tariff to Introduce SWA Pricing Flexibility into effect until June 12, 2003. Thus, under the *Joint Motion*, the Tariff would not be placed into effect before August 12, 2003. Neither Birch Telecom, Inc. nor the Consumer Advocate and Protection Division of the Office of the Attorney General ("CAPD") have filed objections to the *Joint Motion*.²

In light of BellSouth's temporary waiver of its right to implement the Tariff under Tenn. Code Ann. § 65-5-203(b) and to facilitate the settlement of the issues raised in this docket, the Procedural Schedule shall be revised as follows:

Procedural Schedule

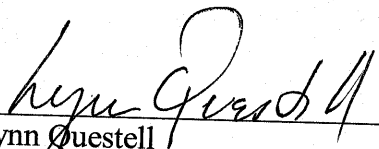
- Discovery Requests shall be filed with the Authority and served on all parties no later than **Wednesday, May 14, 2003**. Discovery Requests shall conform to Tenn. Comp. R. & Reg. 1220-1-2-.11(5).
- Responses to Discovery Requests shall be filed with the Authority and served on all parties no later than **Friday, May 23, 2003**.
- Pre-filed Direct Testimony shall be filed with the Authority and served on all parties no later than **Tuesday, June 3, 2003**.
- Pre-filed Rebuttal Testimony shall be filed with the Authority and served on all parties no later than **Wednesday, June 11, 2003**.
- Hearing Dates will be announced later.
- BellSouth agrees not to place the Tariff to Introduce SWA Pricing Flexibility into effect pursuant to Tenn. Code Ann. § 65-5-203(b) before **August 12, 2003**.

All filings shall be served by hand-delivery, facsimile or e-mail on the date of filing.

² CAPD's *Petition to Intervene* was granted on October 21, 2002.

IT IS THEREFORE ORDERED THAT:

The *Substitute Joint Motion of BellSouth and AT&T for Continuance* jointly filed by BellSouth Telecommunications, Inc., AT&T Communications of the South Central States, Inc. and Birch Telecom, Inc. is hereby granted as set forth above.



Lynn Questell
Pre-Hearing Officer